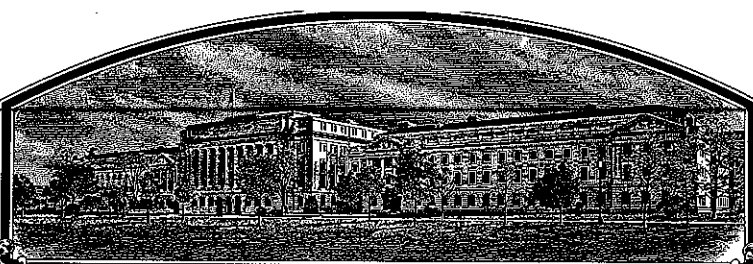


No.

200400090



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Blue Moon Farms LLC and Pennington Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Rebel Pro'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-ninth day of November, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Blue Moon Farms Pennington Seeds, Inc. Blue Moon Farms LLC and KRB Seed Company (ET:2/2/2007)		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME 01.0602		3. VARIETY NAME Rebel Pro	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 811 Mountain River Dr. Lebanon, OR 97355		5. TELEPHONE (include area code) (541) 451-1847		FOR OFFICIAL USE ONLY PVPO NUMBER 200400090 FILING DATE January 29, 2004	
		6. FAX (include area code) (541) 451-1847			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) LLC		8. IF INCORPORATED, GIVE STATE OF INCORPORATION OR		9. DATE OF INCORPORATION September 1, 2000	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) V.G. Lehman 811 Mountain River Dr. Lebanon, OR 97355				FILING AND EXAMINATION FEES: \$ 3652- DATE 1/29/04 CERTIFICATION FEE: \$ 768.00 DATE 10/22/2007	
11. TELEPHONE (include area code) (541) 451-1847		12. FAX (include area code) (541) 451-1847		13. E-MAIL vlehman@aol.com	
14. CROP KIND (Common Name) tall fescue		16. FAMILY NAME (Botanical) Graminae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Festuca arundinacea		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) Tables 1-4 e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (if "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (if "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER Virginia Lehman		SIGNATURE OF OWNER			
NAME (Please print or type) Virginia Lehman		NAME (Please print or type)			
CAPACITY OR TITLE Dir./Member		DATE 15 Jan 2004		CAPACITY OR TITLE 	
		DATE 			

(See reverse for instructions and information collection burden statement)

Exhibit A. Breeding history of Rebel Pro

Rebel Pro is the result of combination of two population sources and one variety cycled for performance in Linn County, Oregon.

Breeding Method: Modified phenotypic mass selection

Population 1:

1996: Approximately 3,190 seeded progeny of a MCN population from Rutgers was seeded in a polycross from Lebanon, OR. MCN was developed with plants from Barlexas, Gazelle, an eastern North Carolina farm in 1975, SR8400, a collection from Lexington, KY, Rebel 3D, Arid, Apache, Amigo, a collection from Atlanta, GA, near GA Tech, a collection from the University of Georgia, Athens, GA in 1977, and a collection from Bayone Park in Bayone, NJ in 1975, with some plants tracing to an inter-specific crossing program with perennial ryegrass. Maternal rows of 55 parents with approximately 50% rouging were harvested as seed in 1997 (D1).

1997: Approximately 700 seeded progeny of D1 were planted in a polycross near Lebanon, OR. With approximately 50% rouging, seed was harvested in 1998.

Breeding Method: Modified phenotypic mass selection

Population 2:

1995 - 1998: Approximately 300,000 seeded progeny of Rebel II, Rebel 3D, and Rebel III were cycled for stress resistance in greenhouse studies near Lebanon, OR. Approximately 39 populations from ten to 1,500 plants were assembled in polycrosses near Lebanon, OR and allowed to produce seed in 1996 - 1998.

Development of Rebel Pro: 1999: Approximately 1,988 seeded progeny of Population 2 were planted in a polycross near Lebanon, OR with approximately 700 Population 1 seeded progeny from 1998, and approximately 1200 seeded progeny from Rebel III. Approximately 90% rouging occurred prior to pollination of Population 1; approximately 80% rouging occurred prior to pollination of Population 2; and 95% rouging of Rebel III plants occurred prior to pollination. Remaining plants from Population 2 and Rebel III plants were bulk harvested to produce breeders seed in 2000.

Rebel Pro is a stable and uniform variety. Rebel Pro has remained stable through three successive generations of seed production and turf plantings. In space plant nurseries, any variants differing consist of no more than 5% of plants that have taller panicle heights, lighter green leaves, or broader leaves. In seven years of turf plantings from the second generation of seed production, Rebel Pro has remained stable and uniform.

#200400090

Exhibit B. Statement of distinctness

Rebel Pro is distinct from all other tall fescue varieties by a combination of turf and morphological measurements. Rebel Pro is most similar to Rebel 3D. Rebel Pro has a flag leaf width that is more narrow than Rebel 3D. Rebel Pro has a shorter height at ear emergence than Rebel 3D. In addition, the panicle length of Rebel 3D is longer than Rebel Pro (see Tables 1-2, Exhibit D).

(BT: 9/28/2007) per applicant's
authorization).

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PROGRAM
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(TALL & MEADOW FESCUES)

OBJECTIVE DESCRIPTION OF VARIETY
TALL & MEADOW FESCUES
(*Festuca* spp.)

NAME OF APPLICANT(S)	TEMPORARY DESIGNATION	VARIETY NAME
Blue Moon Farms and Pennington Seeds, Inc. (Or: 9/27/2007)	01.0602	Rebel Pro
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)	FOR OFFICIAL USE ONLY	
811 Mountain River Dr., Lebanon, OR 97355	PVPO NUMBER 200400090	

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk * are characteristics which should be recorded.

* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

1 = *F. arundinacea* (Tall)

Turf Types

1 = Kentucky 31 2 = Rebel 3 = Olympic 4 = Bonanza 5 = Arid 6 = Rebel II
7 = Shortstop 8 = Silverado 9 = Rebel Jr. 10 = Mini Mustang 11 = Crewcut 12 = Bonsai

Forage Types

20 = Kentucky 31 21 = Martin 22 = Forager 23 = Mozark
24 = Kenhy 25 = AU Triumph 26 = Fawn 27 = Cajun

2 = *F. pratensis* (Meadow)

30 = Admira 31 = Beaumont 32 = Comtessa 33 = Ensign 34 = Trader

* 2. CYTOLOGY:

Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

2 Transition Zone 2 West 2 Northeast Other (Specify):

* 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)

7 Maturity Class 1 = Very early () 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

6 = Bonanza

7 = Late (Silverado)

8 = ()

9 = Very late

Date Headed 14 May 2002

Location Lebanon, OR

_____ Days earlier than _____
 Maturity same as Crewcut _____
 _____ 6 Days later than _____ 1

} Comparison Variety

* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms * INTERNODE LENGTH CM: (First internode subtending the flag leaf)

92.8 cm Height

17.4 cm Internode Length

_____ 23.4 cm Shorter than _____ 6
 Height same as _____
 _____ cm Taller than _____

} Comparison Variety

_____ 2.6 cm Shorter than _____ 6
 Length same as Rebel Jr.
 _____ cm Longer than _____

} Comparison Variety

* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar)

51 cm Height

_____ cm Shorter than _____
 Height same as 7
 _____ cm Taller than _____

} Comparison Variety

* 6. GROWTH HABIT: (Mature Plants)

8 1 = Prostrate ()

3 = Semiprostrate ()

5 = Horizontal ()

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

* 7. RHIZOMES (Psuedo):

_____ mm Length 1 = Absent () 2 = Rare (Rebel) 3 = Common ()

* 8. LEAF BLADE: (Tiller leaves/ turf color)

* 8 Color: 1 = Light green () 3 = Medium light green () 5 = Green ()
 7 = Medium dark green () 9 = Very dark green ()

7 = Rebel Jr Specify rating of comparison variety

* 1 Anthocyanin: 1 = Absent () 9 = Present ()

* 1 Basal Hairs: 1 = Absent () 9 = Present ()

* 9 Margins: 1 = Smooth () 5 = Semi-rough () 9 = Rough ()

8. LEAF BLADE: (continued)

* 5 Width Class: 1 = Very coarse () 3 = Coarse () 5 = Medium () **#200400090**

7 = Fine () 9 = Very Fine ()

* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf)

* TILLER LEAF WIDTH MM:

21.6 cm Tiller Leaf Length

5.8 mm Tiller Leaf Width

7.6 cm Shorter than 6

1.0 mm Narrower than 6

Length same as _____

Width same as _____

_____ cm Taller than _____

_____ mm Longer than _____

Comparison Variety

Comparison Variety

FLAG LEAF LENGTH CM:

FLAG LEAF WIDTH MM:

13.6 cm Flag Leaf Length

4.9 mm Flag Leaf Width

4.8 cm Shorter than Bonanza

0.8 mm Narrower than 6

Length same as _____

Width same as _____

_____ cm Longer than _____

_____ mm Wider than _____

Comparison Variety

Comparison Variety

* 9. LEAF SHEATH: (Basal Portion)

* 1 Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ()

* 9 Auricle Hairiness: 1 = Absent () 9 = Present ()

* 10. PANICLE: (At seed maturity except where noted.)

* 5 Shape: 1 = Narrow-tapering () 5 = Ovate () 7 = Oblong () 9 = Other (specify)

3.3% compact; 39.3% intermediate; 57.3% open

* 6 Type: 1 = Compact (appressed) 5 = Intermediate () 7 = Open () 9 = Other (specify)

5.3% nodding; 29.6% semi-erect; 65.0% erect

* 6 Orientation: 1 = Nodding () 9 = Erect ()

* 9 Branch Pubescence: 1 = Glabrous () 9 = Pubescent ()

* 6 & 5 Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green

4 = Purplish 5 = Reddish 6 = Other (Specify) 6 = yellow

* 5 Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green

4 = Purplish 5 = Reddish 6 = Other (Specify)

* 22.5 cm Panicle Length (from base to tip, if nodding, straighten; after anthesis)

4.1 cm Shorter than 6

Length same as _____

_____ cm Longer than _____

Comparison Variety

* 2.5303 ___ g per 1000 seeds

___ mg Less than ___
 Weight same as ___
 ___ mg More than ___

} Comparison Variety

PALEA: (Keels or Margins)

1 Hairs: 1 = Absent () 5 = Short (Missouri 96) 9 = Long ()

LEMMA:

1 Hairs: 1 = Absent (Kenhy) 5 = Several () 9 = Many (Missouri 96)

6.62 mm Lemma Length (Mature)

1.45 mm Lemma Width

0.76 mm Shorter than 6

0.03 mm Narrower than 6

Length same as

Width same as

___ mm Longer than

___ mm Wider than

Comparison Variety

Comparison Variety

*AWNS: 1 AWNS: 1 = Absent () 9 = Present (Falcon) 0 % Plants with awns

___ mm Awn length (Of those present.)

___ mm Shorter than

Length same as

___ mm Longer than

Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*0 Blind Seed *Gloeotinia temulenta*0 Leaf Spot *D. siccans*0 Dollar Spot *Lanzia, Mollerdiscus* spp.0 Net Blotch *D. dictyoides*4 Stem Rust *Puccinia graminis*6 Brown Patch *Rhizoctonia solani*0 T. Blight *Typhula incarnata*0 C. Leaf Spot *Cercospora fectucaae*0 Pythium Blight *Pythium* spp.0 Pink Snow Mold *Gerlachia nivalis*0 Powdery Mildew *Erysiphe graminis*0 Silver Top *F. tricinctum, F. roseum*0 Crown Rust *Puccinia coronata*

Other Disease

Other Insect

Other Nematode

13. ENVIRONMENTAL STRESS

4 Drought Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant () other:

0 Shade Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant () 0=not tested

13. ENVIRONMENTAL STRESS: (continued)

6 Winter Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

#200400090

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	1, less than Rebel Sentry		Leaf Color	3, darker than Millenium	
Panicle Color			Panicle Shape		
Seed Size	3, more than Rebel IV		Cold Injury		
Winter Color	3, better than Coyote		Heat		
Disease	3, better than Rembrandt, NC State, Fletcher, 2002				

* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.
Randomized complete block, 3 replications, 20 spaced plants per replication were planted on 3 foot centers, minimum of 15 were to be measured; Cultural conditions were standard for seed production in the Pacific Northwest, with planting in the Fall and measured the following spring.

Exb.D (9/28/2007 per applicant's request)

Table 1. Plant characters, tall fescue, 1 year old plants, Lebanon, OR 2002.										
Variety	Panicle length cm	Flag leaf width mm	Flag leaf length cm	Plant height cm	Height at ear cm	Date Heading				
Rebel Pro	17.2	5.3	11.24	89.8	36.4	134				
Shelby	15.5	5.4	10.32	80.2	30.4	134				
R4-D	18.8	5.2	11.95	92.6	39.2	136				
Rebel 3D	20.3	8.7	11.75	95.9	39.5	136				
Rebel II	20.6	5.1	13.10	99.6	45.6	138				
Bonanza	25.0	5.7	16.69	101.6	45.4	138				
Rebel Jr	18.7	5.6	12.53	81.3	34.4	137				
Crewcut	19.2	5.0	13.44	98.1	40.7	134				
Silverado	16.8	5.2	13.05	82.5	31.6	137				
MiniMustang	18.8	5.4	12.49	96.5	40.8	135				
Ky31	24.1	5.8	17.01	119.3	59.5	128				
Bonsai	14.7	4.4	8.01	79.3	30.8	141				
Shortstop	19.2	5.6	13.64	102.4	42.6	136				
5301	16.4	4.2	11.29	85.7	34.7	137				
Rebel Sentry	18.4	5.4	12.34	90.3	38.4	135				
Shelby	15.5	5.4	10.32	80.2	30.4	134				
Rebel IV	14.7	4.3	10.61	86.7	35.3	136				
Terradyne	16.0	5.0	9.55	80.1	29.9	136				
MCN	16.3	4.8	9.58	83.8	34.2	137				
Rebel III	22.1	6.3	15.47	107.8	46.5	135				
LSD (p=0.05)	2.03	1.44	2.62	7.80	4.20	2				
Date of heading value= Day of year										

Table 2. Plant characters, two year old plants, tall fescue, Lebanon, OR, measured 2003.													
Exper. ID	Variety	Plant		Panicle		internode		Height at		Tiller		Date heading	Date anthesis
		Height cm	length cm	length cm	length cm	ear cm	cm	Flag cm	Width mm	Length cm	Width cm		
	Rebel Pro	92.8	22.5	17.4	51.6	13.6	4.9	21.6	5.8	119.3	149.0		
	Shelby	96.7	22.5	16.5	45.8	14.2	5.5	21.0	6.0	122.3	149.3		
	R4-D	108.5	25.0	18.9	55.9	18.4	6.4	25.7	6.8	123.0	150.7		
	Rebel 3D	114.6	26.9	18.9	61.4	17.8	6.6	27.7	7.1	119.3	148.7		
	Rebel II	120.3	26.3	21.6	63.7	17.9	6.0	28.5	6.8	120.3	149.7		
	Bonanza	116.2	26.6	20.0	60.8	18.4	5.7	29.2	6.8	123.0	151.0		
	Rebel Jr	95.8	24.1	17.5	55.4	17.7	6.4	26.3	7.2	122.7	150.0		
	Crewcut	113.8	21.5	18.6	53.1	14.4	5.0	22.7	6.0	121.7	151.0		
	Silverado	95.8	22.9	16.7	51.0	16.3	5.3	24.0	5.8	121.3	150.7		
	MiniMustang	103.5	23.9	17.5	54.6	17.8	5.5	24.4	5.9	121.7	150.7		
	Ky31	134.1	29.1	22.1	73.5	18.0	6.4	29.6	7.9	108.3	145.7		
	Bonsai	97.2	19.3	18.8	51.8	11.6	4.6	18.7	5.3	125.3	152.0		
	Shortstop	105.6	22.7	17.9	52.6	17.5	5.7	24.6	6.4	124.0	151.7		
	5301	92.3	21.4	16.4	48.4	14.6	4.9	23.7	6.0	123.0	148.7		
	Rebel Sentry	97.0	22.6	16.1	49.1	15.2	5.4	21.8	6.2	121.3	149.7		
	Shelby	96.7	22.5	16.5	45.8	14.2	5.5	21.0	6.0	122.3	149.3		
	Rebel IV	95.9	20.4	18.1	51.0	14.5	5.4	22.7	5.9	122.7	149.0		
	Terradyne	91.2	19.5	16.8	46.5	12.8	4.8	19.5	5.4	123.3	150.0		
	MCN	96.6	22.6	18.5	53.5	14.5	5.1	23.8	5.9	121.7	149.7		
	Rebel III	114.0	27.0	19.5	56.8	19.1	6.4	28.0	6.8	119.3	150.3		
LSD (p=0.05)		10.90	2.60	2.86	7.70	2.70	0.72	3.07	0.68	3.59	1.60		
Note:	heading, for example, 108=18 April												
	Anthesis, for example, 149=29 May												

200400090

Table 3. Turf ratings for tall fescue, Richardson, TX, 2002.

1.0602				
2002 Richardson, TX Data				
Cultivar	Quality	Percent green cover	Color	Texture
1.0602	5.5	83.3	7.9	6.0
Kentucky 31 E+	5.4	89.2	6.8	6.0
Rebel Sentry	5.7	85.7	7.8	6.3
Tarheel	5.5	83.9	7.6	6.0
Falcon II	5.8	85.7	7.3	6.3
MSD 0.05	0.3	7.0	0.4	0.7
CV	12.5	13.9	6.5	6.9
Minimum	5.0	74.8	6.8	6.0
Maximum	6.2	92.9	8.4	7.3
scale 1-9, 9=best, 182 entries in trial				

(Rebel Pro)
(1/4/07 bt)

200400090

Table 4. Turf ratings for tall fescue, Corvallis, OR, 2002.				
1.0602				
2002 Corvallis, OR Data				
Cultivar	Quality	Texture	Color	Percent green cover
1.0602	5.0	6.0	5.7	95.3
Rebel II	2.7	3.0	2.3	95.7
Rebel 3D	4.0	3.7	3.3	94.0
Rebel Sentry	4.7	5.0	4.3	95.0
MSD 0.05	1.7	1.9	1.2	NS
CV	21.4	21.3	15.6	3.5
Minimum	2.6	3.0	2.3	90.0
Maximum	6.3	6.7	6.0	96.7
scale 1-9, 9=best;				
Approximately 190 entries in trial.				

(Rebel Pro)
(04/07 bt)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICEEXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Blue Moon Farms LLC and KRB Seed Company (BT-9/27/2007) <i>Pennington Seeds, Inc.</i>	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER 01.0602	3. VARIETY NAME Rebel Pro
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 811 Mountain River Dr Lebanon, OR 97355	5. TELEPHONE (Include area code) (541) 451-1847	6. FAX (Include area code) (541) 451-1847
7. PVPO NUMBER 2004 00090		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Breeding and development by Blue Moon Farm and licensed to KRB Seed for final development, production and marketing.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

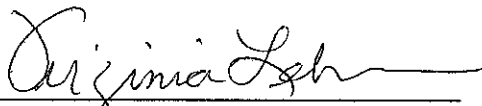
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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

ASSIGNMENT OF REBEL PRO TALL FESCUE

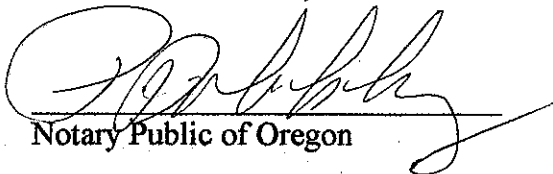
WHEREAS, Virginia Lehman, Blue Moon Farm, 811 Mountain River Dr., Lebanon, OR 97355 has developed the variety of Rebel Pro (01.0602) tall fescue through breeding and development.

NOW, THEREFORE IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other valuable consideration made to Virginia Lehman, I hereby assign unto Blue Moon Farm, 811 Mountain River Dr., Lebanon, OR 97355 and KRB Seed Company, 199 Budd Blvd, Winston-Salem, NC 27114, my entire interest in Rebel Pro (01.0602) tall fescue for the United States and all foreign countries and any plant variety protection to be issued therefore in the United States or any foreign country. The commissioner, Plant Variety Protection Office is requested to issue the plant variety protection certificate in accordance herewith.


Virginia Lehman

Sworn and subscribed before me this 28th

Day of January, 2004.


Notary Public of Oregon

